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November 21, 2003

Mr. Sidney Hayakawa  
Federal Security Director  
Transportation Security Administration  
Honolulu International Airport  
300 Rodgers Boulevard, #45  
Honolulu, HI 96819

Re: Raymond Ware

Dear Mr. Hayakawa:

I represent Mr. Raymond Ware with reference to his discrimination and retaliation charges and the latest decision to terminate him as a Supervisory Transportation Security Screener. Before the Notice of Proposed Removal was sent to Mr. Ware, he applied numerous times to vacant manager positions. His most recent evaluation was a "far exceeds performance", dated 10-25-03. Despite this exceptional work performance, he was not selected for any of the numerous manager vacancy positions. He met with you in September 2003 to discuss his concerns that he was being discriminated against on the basis of race and retaliated against for filing EEO complaints. You referred him to Mr. Ken Kamahele who had previously been too busy to see Mr. Ware to discuss his concerns.

Mr. Ware met with Mr. Kamahele on 10-2-03. His concerns about discrimination and favoritism were not addressed. Instead Mr. Kamahele dug up complaints that Mr. Ware had no idea existed and was never counseled about.

Within three weeks of this meeting with Mr. Kamahele, Mr. Ware was tested for recertification and was told he failed a recertification test for screeners by Mr. Kamahele. He was not told in what areas he failed. The test was given by two persons who subjectively determined pass or fail. Under the Freedom of Information Act we request specifics as to the manner in which he failed the tests. Looking at the piece of paper attached to the letter of November 14, 2003, there is the alphabet F three times for Handheld and no scores for others on the retest portion. The letter of November 14, 2003 states he failed the pat down test. In the attached paper there was no score for retesting the pat down.

Mr. Ware does not believe he failed the test. If there are videotapes of this testing we want to make sure a copy is preserved and would like the opportunity to review the test performance.

Mr. Ware has worked in the area of airport screening for 4 years, beginning in Austin, Texas as a screener supervisor. He is a former police /detective from Michigan and Texas. He passed federal airport screening certification in Oklahoma in July 2002 and trained other screeners in Honolulu who passed the recertification test. It makes no sense that he failed given that he trained other screeners who passed. Consequently, Mr. Ware believes this is a continuation of the discrimination which exists at Honolulu TSA . As you are aware TSA has already been sued for race discrimination in Maui. Another lawsuit with respect to Mr. Ware will be forthcoming if this is not resolved in the "bud".

In conclusion, Mr. Ware disagrees with the reason for proposed removal, requests proof be given that he failed the recertification test, that he not be terminated, that he be returned to work and that further discrimination against him cease.

Sincerely,



Daphne E. Barbee  
Attorney at Law

cc: Mr. Raymond Ware  
Mr. Philip Hepperle, TSA EEO Complaint Division